

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 9, 12, 21 and 24 have been amended, Claims 9-32 are currently pending in the application and subject to examination.

**Informal Matters**

In the Office Action mailed February 25, 2005, claims 9-14 and 21-26 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In the Office Action, the Examiner states that the claims do not recite how "prevent erasing or editing of a corresponding recording unit" is accomplished by the identification information, and therefore, the claimed identification information does not provide any specific functions. Independent claims 9, 12, 21 and 24 have been amended responsive to this rejection. If any additional amendment is necessary to overcome the rejection, the Examiner is requested to contact the Applicants' undersigned representative.

**Claims 9-32 Recite Patentable Subject Matter**

In the Office Action mailed February 25, 2005, claims 9-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,577,811 to Kikuchi et al. (hereinafter, "Kikuchi"). It is noted that claims 9, 12, 21 and 24 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

Claims 9-11, 15-17 and 21-23

Independent claims 9, 15 and 21 are directed to an information recording system for recording a data structure on a recording medium, an information recording method, and an information recording medium encoded with a data structure, respectively. In each of claims 9, 15 and 21, the data structure or information to be recorded includes at least record information that includes 1) a plurality of first recording units 2) one or more second recording units each of which contains one or more of the first recording units and 3) one or more third recording units each of which consists of one or more of the first recording units, first identifying information corresponding to each of the one or more second recording units and indicating whether erasing or editing of a corresponding second recording unit is allowed, second identifying information corresponding to each of the one or more third recording units and indicating whether erasing or editing of a corresponding third recording unit is allowed, and wherein each of the first identifying information and the second identifying information indicates whether a corresponding recording unit should be erased or edited by the information recording system.

Thus, in the claimed invention, information regarding whether a recording unit may be erased is attached to each of a plurality of hierarchies.

In contrast, although Kikuchi discloses an archive flag for indicating whether a particular Video Title Set (VTS) should be protected, Kikuchi discloses recording the archive flag in the Video Title Set Information (VTSI) only. The VTSI is a part of each VTS, as shown in Fig. 3, which illustrates the hierarchical structure of information recorded on an optical disc 10. Moreover, in Fig. 7, Kikuchi illustrates the root directory

structure of the pre-formatted disc 10, of which the hierarchical structure is shown in Fig. 3. In Fig. 7, it is apparent that the video title set (VTS) directory includes a video data file (VTS\_01\_1.VOB), which stores digital moving picture information.

Thus, Kikuchi discloses information for indicating whether a Video Title Set VTS 72 should be protected. However, Kikuchi neither discloses nor suggests at least the combination of first identifying information corresponding to each of the one or more second recording units indicating whether erasing or editing of a corresponding second recording unit is allowed and second identifying information corresponding to each of the one or more third recording units indicating whether erasing or editing of a corresponding third recording unit is allowed, as recited in claims 9, 15 and 21.

For at least this reason, the Applicants submit that claims 9, 15 and 21, as amended, are allowable over Kikuchi. As claims 9, 15 and 21 are allowable, the Applicants submit that claims 10-11, 16-17 and 22-23, which depend from allowable claims 9, 15 and 21, respectively, are likewise allowable over Kikuchi.

Claims 12-14, 18-20 and 24-26

Independent claims 12, 18 and 24 are directed to an information recording system for recording a data structure on a recording medium, an information recording method, and an information recording medium encoded with a data structure, respectively. In each of claims 12, 18 and 24, the data structure or information to be recorded includes at least record information that includes a plurality of recording units and one or more third recording units which can be set by a user; first identifying information corresponding to each of the one or more recording units and indicating whether erasing or editing of a corresponding recording unit is allowed, second

identifying information corresponding to each of the one or more third recording units and indicating whether erasing or editing of a corresponding third recording unit is allowed, and wherein each of the first identifying information and the second identifying information indicates whether a corresponding recording unit should be erased or edited by the information recording system.

Thus, in the claimed invention, information regarding whether a recording unit may be erased is attached to each of a plurality of hierarchies.

In contrast, although Kikuchi discloses an archive flag for indicating whether a particular Video Title Set (VTS) should be protected, Kikuchi discloses recording the archive flag in the Video Title Set Information (VTSI) only. The VTSI is a part of each VTS, as shown in Fig. 3, which illustrates the hierarchical structure of information recorded on an optical disc 10. Moreover, in Fig. 7, Kikuchi illustrates the root directory structure of the pre-formatted disc 10, of which the hierarchical structure is shown in Fig. 3. In Fig. 7, it is apparent that the video title set (VTS) directory includes a video data file (VTS\_01\_1.VOB), which stores digital moving picture information.

Thus, Kikuchi discloses information for indicating whether a Video Title Set VTS 72 should be protected. However, Kikuchi neither discloses nor suggests at least the combination of record information that includes a plurality of recording units and one or more third recording units which can be set by a user; first identifying information corresponding to each of the one or more recording units and indicating whether erasing or editing of a corresponding recording unit is allowed, second identifying information corresponding to each of the one or more third recording units and indicating whether erasing or editing of a corresponding third recording unit is allowed,

and wherein each of the first identifying information and the second identifying information indicates whether a corresponding recording unit should be erased or edited by the information recording system, as recited in claims 12, 18 and 24.

For at least this reason, the Applicants submit that claims 12, 18 and 24, as amended, are allowable over Kikuchi. As claims 12, 18 and 24 are allowable, the Applicants submit that claims 13-14, 19-20 and 25-26, which depend from allowable claims 12, 18 and 24, respectively, are likewise allowable over Kikuchi.

Claims 27-29

Independent claim 27 recites:

An information recording system for recording a data structure on a recording medium, comprising:

means for recording record information of the data structure on a recording medium, the record information including (1) one or more first recording units, (2) one or more second recording units, each of which contains one or more of the first recording units, and (3) one or more third recording units, each of which contains one or more of the first recording units...;

means for recording first identifying information on the recording medium, the first identifying information being related to each of the first recording units and including a first data protect flag that prevents erasing or editing of a corresponding first recording unit; and

means for recording second identifying information on the recording medium, the second identifying information being related to each of the third recording units and including a second data protect flag that prevents erasing or editing of a corresponding third recording unit.

Similarly to as discussed above with regard to claims 9, 12, 15, 18, 21 and 24, the Applicants submit that claim 27 is allowable over Kikuchi at least because Kikuchi does not disclose or suggest at least the combination of record information including (1) one or more first recording units, (2) one or more second recording units, each of which

contains one or more of the first recording units, and (3) one or more third recording units, each of which contains one or more of the first recording units;...first identifying information being related to each of the first recording units and including a first data protect flag that prevents erasing or editing of a corresponding first recording unit; and...second identifying information being related to each of the third recording units and including a second data protect flag that prevents erasing or editing of a corresponding third recording unit, as recited in claim 27.

For at least this reason, the Applicants submit that claim 27 is allowable over Kikuchi. As claim 27 is allowable, the Applicants submit that claims 28 and 29, are likewise allowable over Kikuchi.

Claims 30-32

Independent claim 30 recites:

An information recording system for recording a data structure on a recording medium, comprising:

means for recording record information of the data structure on a recording medium, the record information including one or more first recording units and one or more second recording units, each of which can be set by a user;

means for recording first identifying information on the recording medium, the first identifying information being related to each of the first recording units and including a first data protect flag that prevents erasing or editing of a corresponding first recording unit; and

means for recording second identifying information on the recording medium, the second identifying information being related to each of the second recording units and including a second data protect flag that prevents erasing or editing of a corresponding second recording unit.

Similarly to as discussed above with regard to claims 9, 12, 15, 18, 21, 24 and 27 the Applicants submit that claim 30 is allowable over Kikuchi at least because Kikuchi

does not disclose or suggest at least the combination of record information including one or more first recording units and one or more second recording units, each of which can be set by a user; first identifying information being related to each of the first recording units and including a first data protect flag that prevents erasing or editing of a corresponding first recording unit; and...second identifying information being related to each of the second recording units and including a second data protect flag that prevents erasing or editing of a corresponding second recording unit, as recited in claim 30.

For at least this reason, the Applicants submit that claim 30 is allowable over Kikuchi. As claim 30 is allowable, the Applicants submit that claims 31 and 32, which depend from allowable claim 30, are likewise allowable over Kikuchi.

### **Conclusion**

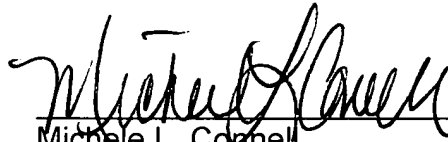
For all of the above reasons, it is respectfully submitted that claims 9-32 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 107156-09069.

Respectfully submitted,

Arent Fox, PLLC

A handwritten signature in dark ink, appearing to read "Michele L. Connell", is written over a horizontal line.

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Enclosure: Petition for Extension of Time